

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ALICIA LANUZA.

Plaintiff,

-VS-

TIMOTHY M. KEYS; TRANSPORTATION INCORPORATED; J.B. HUNT TRANSPORT, INC.; J.B. HUNT TRANSPORT, INCORPORATED; J.B. HUNT TRANSPORT SERVICES, INC.; JOHN DOES (1-10); ABC CORPORATIONS (1-10); XYZ PARTNERSHIPS (1-10); Multiple, Fictitious Persons and Entities; jointly, severally and in the alternative,

Defendants.

DOCKET NO.:

Civil Action

Removed From:

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY

DOCKET NO.: ATL-L-004221-20

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY:

Defendants, Timothy M. Keys and J.B. Hunt Transport, Inc. (hereinafter, “moving defendants”), by and through their attorneys Rawle & Henderson LLP, respectfully avers as follows:

1. At all times material, Alicia Lanuza, is a citizen of the State of New Jersey and currently resides at 207 Fisler Avenue, Egg Harbor, Township, New Jersey 08234, Atlantic County and State of New Jersey. (see **Exhibit “A”** - Plaintiff's Complaint).

2. At all times material Timothy M. Keys, is a citizen of the State of Pennsylvania and currently resides at 311 S 7th Street, Lehigh, PA 18235, in the County of Carbon and State of Pennsylvania. (see **Exhibit “A”** - Plaintiff's Complaint).

3. Defendant, J.B. Hunt Transport, Inc. is (and was) a corporation incorporated in the State of Georgia with its principal place of business in Lowell, Arkansas.

4. Plaintiffs commenced a civil action in the Superior Court of New Jersey for Monmouth County, on or about December 28, 2020.

5. The Complaint was served on moving defendant on or about December 28, 2020.

6. It is the position of moving defendant that the service of the Complaint was improper pursuant to the New Jersey Court Rules 4:4-4 given plaintiff did not serve the Complaint on moving defendant's registered agent.

7. In addition, plaintiff has failed to prove that they attempted service in New Jersey and have failed to provide an affidavit stating that despite diligent effort and inquiry personal service cannot be made in New Jersey in accordance with New Jersey Court Rule 4:4-4(a).

8. Even if this Honorable Court concludes that service was proper, this Removal petition is being filed within 30 days of service of the Complaint.

9. There are no other known defendants in this matter.

10. A review of plaintiffs' Complaint reveals that plaintiff, Alicia M. Lanuza, allegedly sustained severe personal injuries.

11. On December 8, 2020, plaintiff made a demand of \$170,000 and alleged various personal injuries. Hence, plaintiffs have set forth a claim in which the amount is in the excess of jurisdictional limits of \$75,000.00, exclusive of interest and costs which may be at stake. Also, this Notice of Removal is timely made.

12. Diversity of citizenship within the meaning of 28 U.S.C. §1332 exists between plaintiffs and defendant since: (a) plaintiff is a citizen, resident and reside in the state of New

Jersey and defendant J.B. Hunt Transport, Inc. is incorporated in the State of Georgia with its principal place in business in Lowell, Arkansas.

13. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice such that moving defendants are entitled to removal pursuant to 28 U.S.C. §1441, as amended and 28 U.S.C. §1446.

WHEREFORE, Timothy M. Keys and J.B. Hunt Transport, Inc., claim that the above-captioned action now pending in the Superior Court of New Jersey, Law Division, Atlantic County, be removed therefrom to this Honorable Court.

Dated: February 2, 2021

RAWLE & HENDERSON LLP



By: _____

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